Apenddix 4

Wildlife stipulations

STIPULATION 1: Greater Sage-Grouse Strutting Grounds (Leks)

The project area contains at least 57 Greater Sage-Grouse leks of unknown or active status and an additional number within two miles of the project boundary. These leks are subject to protection from disturbance during 15 March - May 15. Seasonal restrictions from disturbance apply within two miles of leks. The most current lek data provided by the Nevada Department of Wildlife will be used to delineate active or unknown status leks at the time of trap or holding facility construction and operation.

Authority/Supporting Documentation: Wells RMP ROD (p. 22 – Terrestrial Wildlife Habitat SOP # 10,); Ely District Approved Resource Management Plan 2008.

STIPULATION 2: Raptor Nesting Sites

The project area contains raptor nesting sites which are subject to seasonal and spatial protection from disturbance to avoid displacement and mortality of raptor young. If trapping is to occur during the raptor nesting seasons below, nest surveys will be conducted by a BLM wildlife biologist using current U.S. Fish and Wildlife Service protocols. Such surveys shall be conducted no more than 14 days prior to commencement of trapping activities in an area. If disturbance does not occur within 14 days of the survey, the site shall be resurveyed. If during any surveys, nests or nesting behavior are documented, the area must be avoided by the species-specific distances below until the young have fledged from the nest or the nest fails. Nest results will be determined by the wildlife biologist. For example, if a Cooper's hawk nest is found to exist within 0.25 mile of a trap site or temporary holding facility, no activity would be authorized within a 0.25 mile buffer of the nest from 15 March through 31 August, or from 15 March through the date that young have fledged and are no longer dependent upon the nest, as determined by a BLM biologist.

Species	Seasonal Buffer[1]	Spatial Buffer[2]
Turkey Vulture	2/1[3] – 8/15	0.5 mile[1]
Northern Harrier	4/1 – 8/15	0.25 mile
Cooper's Hawk	3/15 – 8/31	0.25 mile
Sharp-shinned Hawk	3/15 – 8/31	0.25 mile
Northern Goshawk	3/1 – 8/15	0.5 mile
Red-tailed Hawk	3/15 – 8/15	0.33 mile
Swainson's Hawk	3/1 – 8/31	0.25 mile
Ferruginous Hawk	3/1 – 8/1	1.0 mile
Golden Eagle	1/1 – 8/31	0.5 mile
Bald Eagle	1/1 – 8/31	1.0 mile
American Kestrel	4/1 – 8/15	0.125 mile
Prairie Falcon	3/1[3] – 8/31	0.5 mile

Peregrine Falcon	2/1 – 8/31	1.0 mile
Barn Owl	2/1 – 9/15	0.125 mile
Long-eared Owl	2/1 – 8/15	0.125 mile
Short-eared Owl	3/1 – 8/1	0.25 mile
Flammulated Owl	4/1 – 9/30	0.25 mile
Western Screech-owl	3/1 – 8/15	0.125 mile
Great Horned Owl	12/1 – 9/30	0.125 mile
Northern Pygmy Owl	4/1 – 8/1	0.25 mile
Burrowing Owl	3/1 – 8/31	0.25 mile
Northern Saw-whet Owl	3/1 – 8/31	0.125 mile

[1]From Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS).
[2]From Guidelines for Raptor Conservation in the Western United States, except where noted (USFWS).
[3]From Nevada Raptors: Their Biology and Management (NDOW).

Migratory Birds

The area contains nesting habitat for migratory birds. If trapping activities will take place between 1 April and 30 July migratory bird nesting surveys will be conducted at proposed trap and holding facility sites by a BLM wildlife biologist using current U.S. Fish and Wildlife Service protocols. Any trapping commencing between March 15 – July 31 will require a breeding bird survey for all birds listed at 50 CFR 10.13. If surveys occur between March 15 and May 15, trapping activities must commence within 14 days due to the high proportion of migratory birds nesting during this time. If trapping does not occur within 14 days a new survey is required. If initial surveys occur between May 16 and July 31, a single survey can suffice, the 14-day restriction does not apply, and trapping can commence at any time after survey completion. If during any surveys, nests or nesting behavior are documented, the area must be completely avoided by a 300' buffer until the young have fledged from the nest or the nest fails. Nest results will be determined by the wildlife biologist.

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

TRIPLE B, MAVERICK-MEDICINE, AND ANTELOPE VALLEY HERD MANAGEMENT AREAS
WILD HORSE GATHER

White Pine and Elko Counties, Nevada

On June xx, 2012 a Noxious & Invasive Weed Risk Assessment was completed for this wild horse gather. This weed risk assessment only covers the Triple B HMA, Maverick-Medicine HMA, and Antelope Valley HMA.

Alternative A: Proposed Action– Selective Removal of Excess Animals (Low Point AML); Apply Two-Year Fertility Control, & 60% Male Sex Ratio

The Proposed Action would gather and remove approximately 1,726 excess wild horses within the Triple B, Antelope Valley and Maverick Medicine HMAs. The Proposed Action would also gather a sufficient number of wild horses beyond the excess wild horses to be removed, so as to allow for the application of fertility control (PZP-22) to 22-35% of the mares that will remain in the HMAs and to allow for a remaining population of 60 % studs. Fertility control would be applied to all the released mares to decrease the future annual population growth.

The primary gather technique would be the helicopter-drive trapping method. The use of roping from horseback could also be used when necessary. Multiple gather sites (traps) would be used to gather wild horses both from within and outside the HMAs. Gather sites would be located in previously disturbed areas. All trap sites, holding facilities, and camping areas on public lands would be recorded with Global Positioning System equipment, given to the weed coordinator, and then assigned for monitoring during the next several years for noxious weeds. All gather and handling activities (including gather site selections) will be conducted in accordance with Standard Operating Procedures (SOPs) in Appendix II.

Alternative B is removal to low AML without fertility control or sex ratio adjustment. Alternative C is to gather every two or three years, remove excess wild horses to low AML and apply two-year fertility control (PZP-22) to horses for release and sex ratio adjustment, and No Action Alternative. All of these actions would have the same standard operating procedures for weeds as Alternative A.

No Action Alternative: Under the No Action Alternative, a gather to remove excess wild horses would not occur during summer 2011 or FY 2012. There would be no active management to control the size of the wild horse population at this time. The current wild horse population would continue to increase at a rate of 20-25% per year.

No field weed surveys were completed for this project. Instead the Ely and Elko Districts weed inventory data was consulted. Currently, the following weed species are found within the Triple B HMA, Maverick-Medicine HMA, and Antelope Valley HMA and along roads and drainages leading to the project area:

Acroptilon repens	Russian knapweed
Carduus nutans	Musk thistle
Centaurea stoebe	Spotted knapweed
Cicuta maculata	Water hemlock
Cirsium arvense	Canada thistle
Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Hyoscyamus niger	Black henbane
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

Cynoglossum officinale	Houndstongue

The project area was last inventoried for noxious weeds in 2009. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

Bromus tectorum	Cheatgrass	*Marrubium vulgare*	Horehound
Ceratocephala testiculata	Bur buttercup	*Salsola kali*	Russian thistle
Convolvulus arvensis	Field bindweed	*Sysimbrium altissimum*	Tumble mustard
Halogeton glomeratus	Halogeton	*Verbascum thapsus*	Common mullein

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For the propose action, the factor rates as Moderate (7) at the present time. Given the concentrated use around capture sites could result in new infestations, specifically at the capture sites and holding pens. Also black henbane is found primarily in Newark Valley. There is a potential for the gather operation to spread this weed into the other valleys in the HMA. However, by removing excess horses, native plant communities should have increased vigor and outcompete with weeds. For Alternative B and C the results would be similar. For the no action alternative, no gather operation would occur to spread weeds, and excess horses would remain on the range, native plants could decrease due to overgrazing and weeds would be more competitive.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as Moderate (5) at the present time. The project area has several noxious weed infestations, especially along the main roads and in old fires. New weed infestations could spread to the area and then there would be adverse effects to the surrounding native vegetation. An increase in cheatgrass could alter the fire regime in the area. The potential to spread weeds would be limited primarily to identified areas making follow up monitoring and treatment, if necessary, more manageable.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management

	measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (35). This indicates that the project can proceed as planned as long as the following measures are followed:

- Gather capture sites will be chosen in previously disturbed areas which are free from noxious weed infestations, to the greatest extent possible.
- Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or **moving to another valley.** Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Ely or Elko District Office Weed Coordinator or designated contact person.
- Prior to entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.
- Removal and disturbance of vegetation would be kept to a minimum through site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Monitoring of the capture sites and holding pens on public lands will be conducted for at least three years and will include weed detection. Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely and Elko District Noxious and Invasive Weeds Coordinators for treatment.

The Ely and Elko Districts normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

Until such a time as weed free hay is required, the Ely and Elko Districts encourages the contractor to acquire locally produced hay from the valleys nearest to the project area. Although it may not be required to feed weed free hay, by using locally produced hay it would prevent the introduction of weeds from other areas.

Reviewed by:

Natural Resource Specialist — Date

Brian Mulligan — Date
Natural Resource Specialist (Weeds)

Figure 1. Map of Documented Noxious and Invasive Weeds

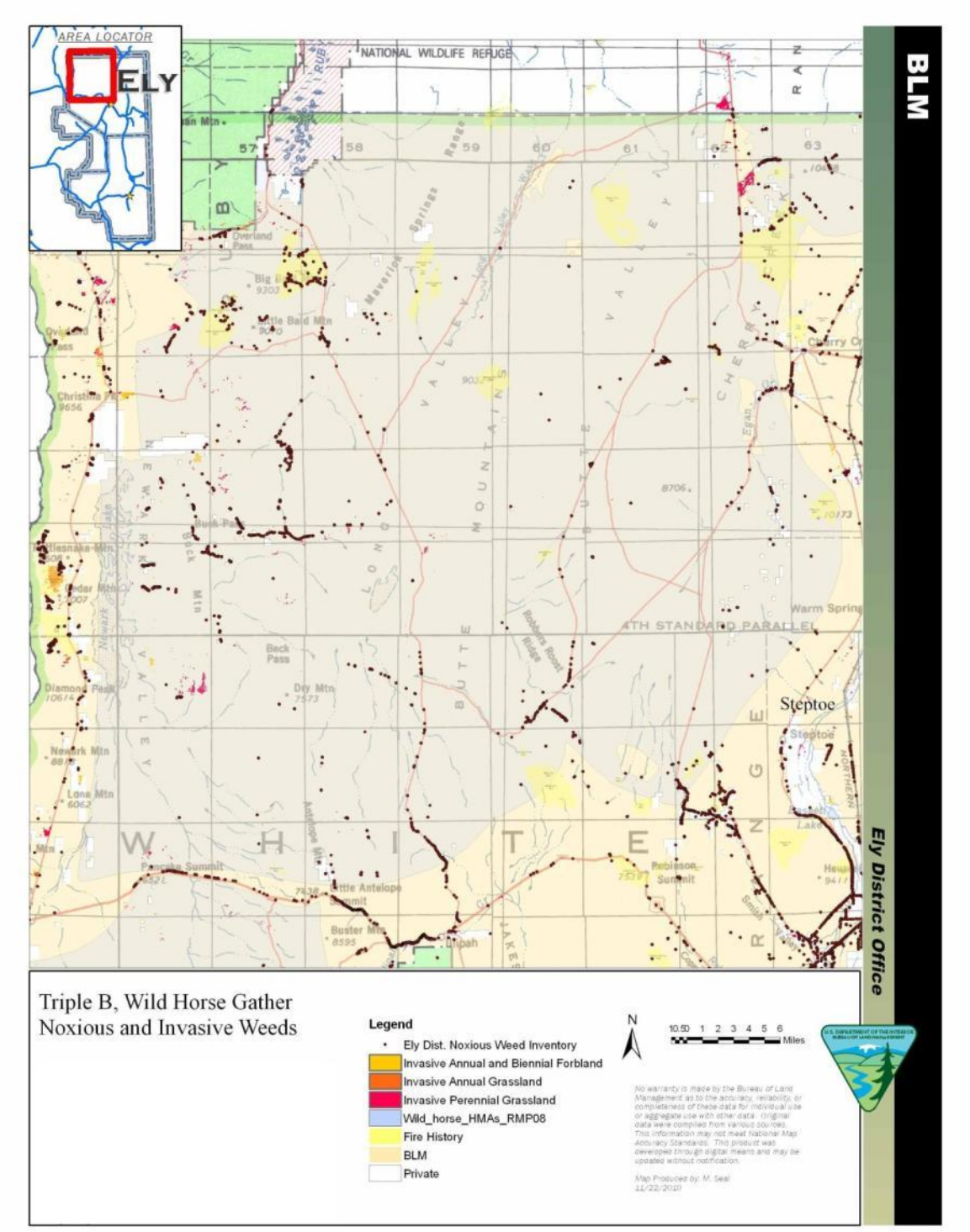
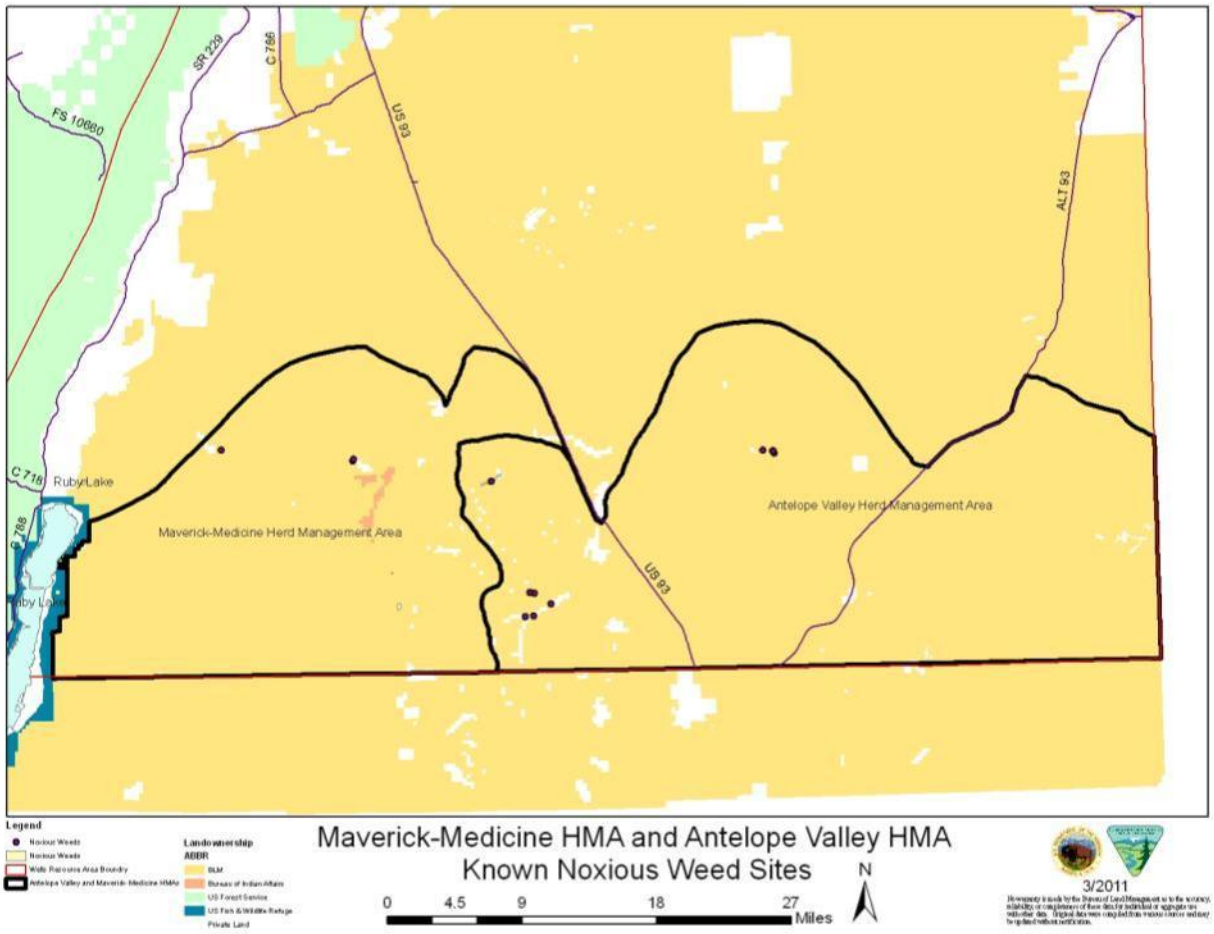


Figure 2 Map of Documented Noxious and Invasive Weeds for Maverick-Medicine and Antelope Valley HMAs



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